

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

May 31, 2006

In the Matter of
Fieldstone Landing, LLC

Docket No. 2006-057
File No. SE4-343
Berkley

RECOMMENDED FINAL DECISION

Robert W. Davis, Chair, Advocacy & Policy Committee filed a Notice of Claim for an adjudicatory hearing seeking review of a Superseding Order of Conditions (SOC) issued by the Department to Fieldstone Landing, LLC. On April 21, 2006 I issued an Order to File a More Definite Statement ordering the petitioner to provide documentation by May 1, 2006 establishing his standing to appeal this SOC.¹ The Order further required the petitioner to document his or the Taunton River Watershed Alliance's (TRWA) if applicable, prior participation in the matter before the Department issued its SOC, and to set forth a clear and concise statement of facts and the basis upon which he alleged the issuance of the SOC or the activities approved in the SOC which is the subject of this appeal are inconsistent with the provisions of the Wetland Act or Regulations. Neither the petitioner nor the TRWA filed any response to the Order. I therefore recommend that this appeal be dismissed for failure to prosecute pursuant to 310 CMR 1.01(5)(a) 15.f.vi, 1.01(6)(b) and 1.01(10).

¹ Petitioner's Notice of Claim was submitted on Taunton River Watershed Alliance, Inc., letterhead. No evidence from the Board of Directors of the TRWA that is represents 10 or more residents or authorizes the Petitioner to file the appeal on its behalf or if petitioner is filing Claim on his own.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

NOTICE

This decision is a recommended final decision of the Presiding Officer. It has been transmitted to the Commissioner for his final decision in this matter. This decision is therefore not a final decision subject to reconsideration under 310 CMR 1.01(14)(e), and may not be appealed to Superior Court pursuant to M.G.L. c.30A. The Commissioner's final decision is subject to the rights of reconsideration and court appeal and will contain a notice to that effect.

Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this recommended final decision or any part of it, and no party shall communicate with the Commissioner's office regarding this decision unless the Commissioner, in his sole discretion directs otherwise.

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Philip Weinberg
Presiding Officer

Adopted by Commissioner Robert W. Golledge, Jr., June 2, 2006.